

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY DeFRANCO,)
Plaintiff,)
v.) **Civ. No. 04-0230 Erie**
WILLIAM WOLFE, et al.,) **Magistrate Judge Baxter**
Defendants.)

ORDER

Plaintiff Anthony DeFranco has filed a Motion for Reconsideration (Doc. 259) of the Court's December 11, 2006 Order (Doc. 255) denying his appeal of the Magistrate Judge's Order denying his motion for order to release his copied files at his own expense.

In addition, Mr. DeFranco has filed an Appeal of the Magistrate Judge's December 4, 2006 Order (Doc. 253) denying his motion for release of psychological files and his supplemental motion for release of psychological files.

In Mr. DeFranco's Motion for Reconsideration and Appeal of the Magistrate Judge's Order he reasserts the same arguments already presented to this court, and thus we will deny his present appeal and motion for reconsideration.

All of Mr. DeFranco's above-mentioned pleadings concern the release of certain of his medical records at a reduced copying fee and waiver of a search and retrieval fee. Mr. DeFranco does not want to pay the approximately \$54.00 he is being charged for the documents. Mr. DeFranco was first informed of this fee by letter dated April 19, 2006. Mr. DeFranco claims that he needs these documents because he has "his own medical professionals prepared to give possible expert medical opinion in this case," and that he has "family members who are doctors . . . in contact with several other medical professionals

who will give an expert opinion if they could review these records." We suggest that Mr. DeFranco's medical professionals and family members who stand ready to assist him might also want to consider assisting Mr. DeFranco with the relatively low fees for the requested documents. Mr. DeFranco has not shown any basis to waive the fee in this case, and thus he must bear his own litigation expenses. Tabron v. Grace, 6 F.3d 147, 159 (3d Cir. 1993).

The following Order is therefore entered.

AND NOW, to-wit, this 28th day of December, 2006, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. Plaintiff's Appeal of Magistrate's Order Doc.# 253 (Doc. 256) be and hereby is DENIED.
2. Plaintiff's Motion for Reconsideration (Doc. 259) be and hereby is DENIED.

Maurice B. Cohill, Jr.
Maurice B. Cohill, Jr.
Senior United States District Judge

cc: Anthony Defranco, pro se
counsel of record